

### REMARKS

Claims 1, 2, 13-20, and 24-33 are pending in the application for the Examiner's review and consideration. Claim 1 was amended based on the disclosure of the invention. *See, e.g.*, Specification, page 7, lines 20-25 and Examples 1-2. Claim 24 was amended to change the dependency to claim 1 instead of cancelled claim 23. New claims 28-33 were added to further clarify the invention.

### CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claim 24 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully obviates the rejection.

On page 4 of the Office Action, the Examiner alleges that claim 24 cannot be examined because it is dependent on a cancelled claim. Applicant has amended claim 24 to depend on claim 1. Thus, Applicant respectfully requests that the rejection made under 35 U.S.C. §112 be reconsidered and withdrawn.

### CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 2, 4-6, 9, and 12 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 4,347,145 to Gregorian *et al.* ("Gregorian"). Applicant respectfully traverses and obviates the rejection.

Gregorian allegedly discloses a foamable composition for treating fabrics with a finishing agent. *See, e.g.*, Gregorian, col. 2, lines 23-27. Examples 5 and 7 disclose a composition having 9 parts Valcat 7 (a magnesium chloride catalyst – 21% solids). *See, e.g.*, Gregorian, col. 9, lines 40-46 and col. 10, lines 25-32.

On pages 2-3 of the Office Action, it is alleged that the present invention is anticipated by Gregorian. As the Examiner is no doubt aware, to anticipate a claim, each and every element of the claim must be disclosed in a single prior art reference. Gregorian does not disclose each and every limitation of the present invention. Specifically, Gregorian does not disclose a colour care composition comprising: i)- a dye fixing agent, and ii)- from about 5% to about 90% by weight of a divalent salt.

Claim 1, as amended, discloses a colour care composition comprising: i)- a dye fixing agent, and ii)- from about 5% to about 90% by weight of a divalent salt. This amended range of divalent salt is disclosed in the specification as filed. *See, e.g.*, Specification, page 7, lines 20-25. Gregorian does not disclose compositions having a divalent salt within the specified range. At best, Gregorian allegedly discloses compositions containing 9 parts Valcat 7 (a magnesium chloride catalyst – 21% solids), a magnesium

chloride concentration of 1.89% by weight. *See, e.g.*, Gregorian, col. 9, lines 40-46 and col. 10, lines 25-32.

Because each and every element of the claim has not been disclosed in a single prior art reference, Applicant respectfully requests that the rejection made under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Claims 1, 13, 14, 18, and 20 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 4,605,418 to Christie *et al.* ("Christie"). Applicant respectfully traverses and obviates the rejection.

Christie allegedly discloses a treatment process for reducing crocking on dyed textile cellulosic materials and their blends. *See, e.g.*, Abstract. Example compositions of Christie contain 38 g/L and 23 g/L magnesium chloride. *See, e.g.*, Christie, col. 13, lines 12-29.

On page 4 of the Office Action, it is alleged that the present invention is anticipated by Christie. However, Christie does not disclose each and every element of the present invention. Specifically, Christie does not disclose a colour care composition comprising: i)- a dye fixing agent, and ii)- from about 5% to about 90% by weight of a divalent salt.

As stated above, claim 1, as amended, discloses a colour care composition comprising: i)- a dye fixing agent, and ii)- from about 5% to about 90% by weight of a divalent salt. This range for a divalent salt is not disclosed by Christie. As the Office Action states, Christie illustrates examples containing 3.8% and 2.3% magnesium chloride – values less than the claimed ranges of the present invention.

Because each and every element of the claim has not been disclosed in a single prior art reference, Applicant respectfully requests that the rejection made under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

Claims 1, 13-20, 25, and 25 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 4,345,063 to North ("North"). Applicant respectfully traverses and obviates the rejection.

North discloses a composition prepared from alkylated glyoxal/cyclic urea condensates allegedly useful for crosslinking textile fabrics. *See, e.g.*, North, col. 2, lines 4-6. In Example 1, 4.5 parts of a magnesium chloride catalyst is disclosed in combination with other ingredients. *See, e.g.*, North, col. 4, lines 32-50.

On page 4 of the Office Action, it is alleged that the present invention is anticipated by North. However, North does not disclose each and every element of the present invention. Specifically, North does not disclose a colour care composition comprising: i)- a dye fixing agent, and ii)- from about 5% to about 90% by weight of a divalent salt.

As previously stated, claim 1, as amended, discloses a colour care composition comprising: i)- a dye fixing agent, and ii)- from about 5% to about 90% by weight of a divalent salt. This range of a divalent salt is not disclosed by North. North, at best, discloses 4.5 parts of a magnesium chloride catalyst. *See, e.g.,* North, col. 4, lines 32-50.

With regard to all claims not specifically mentioned, these are believed to be allowable not only in view of their dependency on their respective base claims and any intervening claims, but also for the totality of features recited therein.

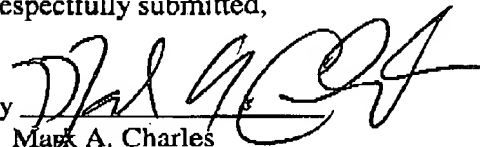
All claims are believed to be in condition for allowance. Should the Examiner disagree, Applicant respectfully invites the Examiner to contact the undersigned attorney for Applicant to arrange for a telephonic interview in an effort to expedite the prosecution of this matter.

#### CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested. No fee is believed to be due for the amendments herein. Should any fee be required, please charge such fee to Procter & Gamble Deposit Account No. 16-2480.

Respectfully submitted,

By



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APPENDIX A  
MARKED UP VERSION OF THE AMENDED CLAIMS

Application No: 09/762,081

Filed: February 1, 2001

I. (Amended Twice) A colour care composition comprising: i)- a dye fixing agent, and  
ii)- from about [2%] 5% to about 90% by weight of a divalent salt.

24. (Amended) A composition according to Claim [23] 1, wherein said divalent salt is  
present in an amount of from 3% to 10% by weight of the composition

**APPENDIX B**  
**CLEAN VERSION OF THE AMENDED CLAIMS**

Application No: 09/762,081

Filed: February 1, 2001

1. (Amended Twice) A colour care composition comprising: i)- a dye fixing agent, and  
ii)- from about 5% to about 90% by weight of a divalent salt.

24. (Amended) A composition according to Claim 1, wherein said divalent salt is present  
in an amount of from 3% to 10% by weight of the composition